

*Attorney Docket No: ISIC0055-100 (IBIS-28US)
Serial No. 10/071, 978*

*December 19, 2005 Response
to August 18, 2005 Action*

REMARKS

Claims 1, 3-21, 63, 65-94, and 96-97 were pending in this application. After entry of the amendments herein, claims 1, 3-21, 63 and 65-72 will be pending in this application. Claims 73-94 and 96-97 have been canceled. Claims 1, 11, 13, 16, 18, 19, 21, and 63 have amended. Support for the amendments can be found throughout the specification. No new matter has been added.

Claim 79 has been objected to because of a typographical error in the phrase “-CH₂ enzimidazole”. As claim 79 has been canceled, this objection is now moot.

Claims 11, 18, and 19 have been objected to because, as the Action alleges, some of the bonds and substituents were not drawn properly. Applicants have amended claims 11, 18, and 19 to clarify the structures of the claims. Accordingly, Applicants respectfully assert that claims 11, 18, and 19 are now in condition for allowance.

The Action objects to claim 63 because of a typographical error in the phrase “or R'₁₅ and R'₁₆”. The word “or” has been deleted from the claim. Accordingly, Applicants respectfully assert that claim 63 is now in condition for allowance.

Claims 73 and 76-83 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by WO 01/00615. Claims 73 and 76-83 have been canceled, rendering this objection moot.

Claims 1, 3-20, 63-94 and 96-97 have been rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Action rejects claim 1 because the phrase “R₁₅ and R₁₆ together with the nitrogen atom to which they are

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attached can form a group of Formula I wherein said nitrogen atom is Q4 thereof" is allegedly unclear in specifying the points of attachment. Claim 1 has been amended to clarify the point of attachment. Support for the amendment can be found in the specification at p. 11, line 1 and at p. 21, lines 1-5.

Claim 63 has been rejected under 35 U.S.C. § 112, second paragraph, due to the alleged indefiniteness of the term "a fused ring derivative" in the definitions of R'₁₅ and R'₁₆.

Applicants respectfully disagree that this term is indefinite, as it is clearly defined in the specification at p. 21, line 32 through p. 22, line 3. It is well established that an applicant may be his or her own lexicographer in defining claim terms. MPEP § 2111.01. Accordingly, Applicants respectfully assert that claim 63 is not indefinite and request that the § 112 rejection be withdrawn.

Claim 73 has been rejected as lacking antecedent basis. As this claim has been canceled, this rejection is moot.

Applicants also acknowledge with gratitude the Examiner's recommendation to amend the application in accordance with the Examiner's amendment of February 25, 2004. Accordingly, Applicants have amended claim 1 to substitute the term "heteroaryl" for the term "heterocycloaryl", and have deleted the term "heterocycloaryl" from claim 16. Because claims 73 and 93 have been canceled, the remaining suggested amendments are moot.

Applicants have amended claim 1 to introduce alkyl into the definition of R₁. Support for the amendment can be found in the specification (e.g., originally filed claim 1). No new matter has been added.

Applicants have also made minor amendments to claim 1 for the sake of clarity. For example, the structure of Formula I has been simplified. Several unnecessary commas or

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semicolons have been deleted or substituted for each other, the word "the" has been added, and a missing parentheses has been added. The words "and" and "or" have been substituted for each other where appropriate. Several indentations have been added, and the spelling of the term "heteroaryl" has been corrected. Finally, the word "structure" has been replaced with the word "compound" in the definition of R₁. Applicants respectfully assert that these amendments neither narrow the claim nor introduce new matter.

Applicants have also amended claim 13, 21, and 63 for the sake of clarity. An unnecessary comma has been deleted from claim 13, a dash was added to a term in claim 21, and a space has been added between the terms "is" and "1" in the definition of "z" in claim 63. Two indentations have been added to claim 63 and a semicolon was replaced with a colon in claim 63. Applicants respectfully assert that these amendments neither narrow the claims nor introduce new matter.

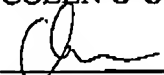
Applicants respectfully assert that the claims are now in condition for allowance, and earnestly request early reconsideration and allowance of all pending claims. The examiner is requested to contact the undersigned attorney if an interview, telephonic or personal, would facilitate allowance of the claims.

The Commissioner is hereby authorized to charge any fee or underpayment thereof or credit any overpayment to deposit account no. 50-1275.

Respectfully submitted,
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